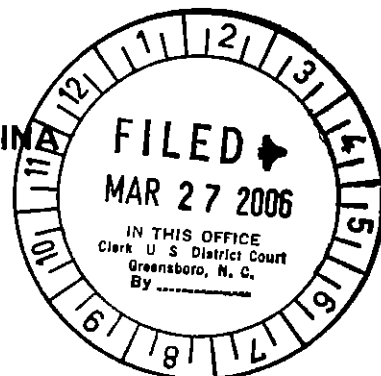


IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



TROY PELTS,

Petitioner,

v

UNITED STATES OF AMERICA,

Respondent

1 05CV9  
6 92CR305-1

**J-U-D-G-M-E-N-T**

On February 7, 2006, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U S C 636(b) No objections were received by the court within the time prescribed by the statute

The court hereby adopts the Magistrate Judge's Recommendation

**IT IS THEREFORE ORDERED AND ADJUDGED** that Respondent's motion to dismiss (docket no 44) be **GRANTED**, that Petitioner's motion to vacate, set aside or correct sentence (docket no 42) be **DENIED** and that this action be, and is hereby, dismissed with prejudice Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued

  
UNITED STATES DISTRICT JUDGE

DATE March 27, 2006